IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 13326 of 1994

Between:
G.Yakub , S/o. Pullaiah,
R/o. 5/56 ,Paidipally(V), Hanamkonda,
Warangal Dist.

..... PETITIONER

AND

1 The Managing director, A.P.S.R.T.C.,Musherabad,
Hyderabad.
2 The Depot Manager, APSRTC,Bus Depot.,
Hanamkonda, Warangal Dist.(Writ petition
Dismissed for default vide court order dt.1.12.99 as against R2).
3 Regional Manager, APSRTC,Hanamkonda,
Warangal Dist.
4 The Presiding Officer,Labour Court, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of certiorari to call for the records pertaining to award passed in I.D.No.102/91, dt.3.3.93 and published in G.O.Rt.No.794, dt.24.4.93 and quash the same in so far as denial of back wages and deferment of 3 annual increments with cumulative effect are concerned and to direct the respondents to pay back wages and all office from the date of removal i.e., 15.7.87 to 11.6.93 till reinstatement.

For the Petitioner:MR.B.SUDHAKAR REDDY & NEERAJA REDDY

For the Respondent No.: GP FOR SOCIAL WELFARE

The Court Made the Following :

ORDER:

1. This writ petition is filed challenging the award passed by the Industrial Tribunal cum Labour Court, Warangal in I.D.102 of 1991 insofar as refusing to grant back wages is concerned and also awarding punishment of deferment of three annual increments.

2. The petitioner was working as conductor having been appointed in APSRTC in the year 1984. On 15.07.1987, while he was conducting the bus No.AAZ.1994, a check was exercised by the checking officers and they found following irregularities.

i. For having failed to observe the TIC point at Mandibazar, which is a misconduct under rule.28(xxxii) of theAPSRTC Employees (conduct) Regulations, 1963.

ii. For having failed to collect the fare and issue tickets to Eleven individual passengers (lady passengers) found travelling without tickets having boarded the bus at Warangal X road, and bound Hanmakonda Ex.stages.15/14 to 12 which is a misconduct under rule.28(vi)(a) of the APSRTC Employees(conduct) Regulations, 1963.

iii. For having failed to collect the fare and issue tickets to five more individual passengers found traveling without tickets having boarded the bus at Laxmi Talkies and bound for Mulugu X Road ex-stages 14 to 13/12 which is a misconduct under rule 28(vi)(a) of the APSRTC Employees (conduct) Regulations, 1963.

iv. For having failed to close the tray Nos. of all

denominations in S.R. against stage No.14, duly completing the ticket issues, which is a misconduct Under Act rule 28 (xxv)of the APSRTC Employees (conduct) Regulations, 1963.

Thereafter, a charge sheet was issued, enquiry was conducted and finally the petitioner was removed from service. Against the said removal order, the petitioner raised an industrial dispute in I.D.102 of 1991. The learned Tribunal after considering the matter held that the punishment was not justified, but by invoking Section 11-A of the I.D.Act directed the respondents to reinstate the petitioner into service with continuity of service without back wages and also awarded punishment of deferment of three annual increments with cumulative effect. The said award is assailed before this Court.

3. The learned Counsel for the petitioner submits that the award of the Tribunal is wholly illegal and arbitrary. He also submits that the punishment was found to be unjustified and the Tribunal ought to have granted back wages. The learned Counsel submits that deferment of three annual increments is wholly unwarranted. I cannot accept the contention of the learned Counsel for the petitioner that the charges framed by the Tribunal are ambiguous. However, having found that the punishment was not justified by invoking section 11-A of the Act, the relief was granted. Such a relief cannot be said to be without jurisdiction and I do not find any illegality or irregularity in the relief granted by the Tribunal, which is within its jurisdiction. Thus, I find no merit in the writ petition.

4. Accordingly, the Writ Petition is dismissed. No costs.

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24.06.2004 G.BIKSHAPATHY, J.

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To

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3 Regional Manager, APSRTC,Hanamkonda,
Warangal Dist.
4 The Presiding Officer,Labour Court, Warangal
5 Two CCs to G.P. for Social Welfare, High court Buildings,
Hyd., (OUT)
6. Two CD copies.